

REPRINT

AS INTRODUCED IN THE RAJYA SABHA ON
THE 19TH MAY, 2006

Bill No. XLII of 2006

THE APPRENTICES (AMENDMENT) BILL, 2006

A

BILL

further to amend the Apprentices Act, 1961.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Apprentices (Amendment) Act, 2006.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

52 of 1961. 5

2. In the Apprentices Act, 1961 (hereinafter referred to as the principal Act), after section 3A, the following section shall be inserted, namely:—

Insertion of
new section
3B.

10

“3B. (1) In every designated trade, training places shall be reserved by the employer for the Other Backward Classes and where there is more than one designated trade in an establishment, such training places shall be reserved also on the basis of the total number of apprentices in all the designated trades in such establishment.

Reservation of
training places
for Other
Backward
Classes in
designated
trades.

(2) The number of training places to be reserved for the Other Backward Classes under sub-section (1) shall be such as may be prescribed, having regard to the population of the Other Backward Classes in the State concerned.”.

Amendment
of section 8.

3. In section 8 of the principal Act, in sub-section (3), for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that the Apprenticeship Adviser may, on a representation made to him by an employer and keeping in view the more realistic employment potential, training facilities and other relevant factors, permit him to engage such number of apprentices for a designated trade as is lesser than the number arrived at by the ratio for that trade, not being lesser than fifty per cent. of the number so arrived at, subject to the condition that the employer shall engage apprentices in other trades in excess in number equivalent to such shortfall."

Amendment
of section 10.

4. In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Related instruction shall be imparted at the cost of employer and the employer shall, when so required, afford all facilities for imparting such instruction."

STATEMENT OF OBJECTS AND REASONS

The Apprentices Act, 1961 provides for regulation and control of training of apprentices. Section 3A of the Act makes provisions for reservation of training places for the Scheduled Castes and Scheduled Tribes, but there is no provision for reservation of training places for the Other Backward Classes (OBCs). The Apprentices (Amendment) Bill, 2006 seeks to provide reservation for the OBCs in apprenticeship training.

2. Secondly, as per second proviso of sub-section (3) of section 8, the flexibility up to twenty per cent. in the matter of engagement of apprentices in a trade, is presently available, provided that over all quota fixed for an establishment remains the same. There is need to amend section 8 in order to provide flexibility up to fifty per cent. in the matter of engagement of apprentices in a trade, provided that over all quota fixed for the establishment remains the same.

3. Thirdly, sub-section (1) of section 10 provides that a trade apprentice who is undergoing practical training in an establishment shall, during the period of practical training, be given a course of related instruction which shall be appropriate to the trade approved by the Central Government in consultation with the Central Apprenticeship Council, with a view to giving the trade apprentice such theoretical knowledge as he needs in order to become fully qualified as a skilled craftsman. Sub-section (2) of the said section provides that related instruction shall be imparted at the cost of appropriate Government but the employer shall, when so required, afford all facilities for imparting such instruction. The reimbursement of related instruction to the establishments by the appropriate Government involves a lot of paper work, which could be avoided if the expenditure on related instruction is also borne by the establishment as in case of stipend. It is, therefore, proposed to amend section 10 to impart related instruction at the cost of employer instead of appropriate Government.

The Bill seeks to achieve the above objectives.

NEW DELHI;
Dated the 15th May, 2006.

K. CHANDRA SEKHAR RAO.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert new section 3B wherein sub-section (2) empowers the Central Government to make rules in regard to the reservation of training places for Other Backward Classes in designated trades.

The matters in respect of which rules may be made are matters of procedure and detail. The delegation of power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE APPRENTICES ACT, 1961

(52 OF 1961)

* * * * *

8. (1) The Central Government shall, after consulting the Central Apprenticeship Council, by order notified in the Official Gazette, determine for each designated trade the ratio of trade apprentices to workers other than unskilled workers in that trade:

Number of apprentices for a designated trade.

Provided that nothing contained in this sub-section shall be deemed to prevent any employer from engaging a number of trade apprentices in excess of the ratio determined under this sub-section.

(2) In determining the ratio under sub-section (1), the Central Government shall have regard to the facilities available for apprenticeship training under this Act in the designated trade concerned as well as to the facilities that may have to be made available by an employer for the training of graduate or technician apprentices, technician (vocational) apprentices if any, in pursuance of any notice issued to him under sub-section (3A) by the Central Apprenticeship Adviser or such other person as is referred to in that sub-section.

(3) The Apprenticeship Adviser may, by notice in writing, require an employer to engage such number of trade apprentices within the ratio determined by the Central Government for any designated trade in his establishment, to undergo apprenticeship training in that trade and the employer shall comply with such requisition:

Provided that in making any requisition under this sub-section, the Apprenticeship Adviser shall have regard to the facilities actually available in the establishment concerned.

Provided further that the Apprenticeship Adviser may, on a representation made to him by an employer and keeping in view the more realistic employment potential, training facilities and other relevant factors, permit him to engage such number of apprentices for a designated trade as is lesser than the number arrived at by the ratio for that trade, not being lesser than twenty per cent of the number so arrived at, subject to the condition that the employer shall engage apprentices in other trades in excess in number equivalent to such shortfall.

(3A) The Central Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf shall, having regard to—

- (i) the number of managerial persons (including technical and supervisory persons) employed in a designated trade;
- (ii) the number of management trainees engaged in the establishment;
- (iii) the totality of the training facilities available in a designated trade; and
- (iv) such other factors as he may consider fit in the circumstances of the case,

by notice in writing, require an employer to impart training to such number of graduate or technician apprentices technician (vocational) apprentices in such trade in his establishment as may be specified in such notice and the employer shall comply with such requisition.

Explanation.—In this sub-section the expression "management trainee" means a person who is engaged by an employer for undergoing a course of training in the establishment of the employer (not being apprenticeship training under this Act) subject to the condition that on successful completion of such training, such person shall be employed by the employer on a regular basis.

(4) Several employers may join together for the purpose of providing practical training to the apprentices under them by moving them between their respective establishments.

(5) Where, having regard to the public interest, a number of apprentices in excess of the ratio determined by the Central Government or in excess of the number specified in a notice issued under sub-section (3A) should in the opinion of the appropriate Government be trained, the appropriate Government may require employers to train the additional number of apprentices.

(6) Every employer to whom such requisition as aforesaid is made, shall comply with the requisition if the Government concerned make available such additional facilities and such additional financial assistance as are considered necessary by the Apprenticeship Adviser for the training of the additional number of apprentices.

(7) Any employer not satisfied with the decision of the Apprenticeship Adviser under sub-section (6), may make a reference to the Central Apprenticeship Council and such reference shall be decided by a Committee thereof appointed by that Council for the purpose and the decision of that committee shall be final.

* * * * *

Related instruction of apprentices.

10. (1) * * * * *

(2) Related instruction shall be imparted at the cost of the appropriate Government but the employer shall, when so required, afford all facilities for imparting such instruction.

RAJYA SABHA

A
BILL
further to amend the Apprentices Act, 1961.

(Shri K. Chandra Sekhar Rao, Minister of Labour and Employment)